



MARYLAND DEPARTMENT OF THE ENVIRONMENT
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Robert L. Ehrlich, Jr.
Governor

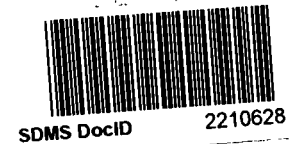
Michael S. Steele
Lieutenant Governor

August 8, 2006

Kendl P. Philbrick
Secretary

Jonas A. Jacobson
Deputy Secretary

David S. Meiskin, Managing Member
Herron 393, LLC
Pond Road Center
4345 Route 9, Suite 28
Freehold, New Jersey 07728



Re: Voluntary Cleanup Program Application
Herron Area 1 Property
Elkton, Maryland 21921

Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed the application package for the Herron Area 1 property, a portion of Herron Farm located west of Laurel Run, Elkton, Cecil County, Maryland. Please submit written responses to the enclosed comments so that a final evaluation of the application package can be completed by the VCP. The requested information must be accompanied by another statement of certification as found in Section XIV of the application.

After evaluating the additional information, we will notify you in writing whether the property has been accepted for participation in the VCP. The evaluation will be finalized as soon as possible following the Department's receipt of the requested information.

If you have any questions regarding the enclosed comments or other aspects of the program, please contact Irena Rybak, the project manager, or me at 410-537-3493.

Sincerely,

James W. Metz, Chief

Voluntary Cleanup/Brownfields Division

JWM:ir
Enclosure

cc: James B. Witkin, Esq., Linowes and Blocher LLP
Ms. Lorie Baker, EPA
Mr. Horacio Tablada
Mr. James R. Carroll
Ms. Irena Rybak

Voluntary Cleanup Program (VCP)

HERRON AREA 1

**Herron Farm, portion west of Laurel Run
Elkton, Cecil County, Maryland 21921**

Comments on the VCP Application Package

Application

- 1) Please provide a title abstract of the property summarizing the previous owners and include subdivisions and consolidations, if applicable. A copy of the Commitment for Title Insurance, prepared by the LandAmerica Commonwealth and included in the application package, does not fulfill the required title abstract. The title abstract may be presented as a table or a chart and must list each owner of the property, land use, and dates of property ownership.
- 2) Please provide a legal description of the Herron Area 1 portion of the property, included in VCP application, that will become the subject of the final VCP document.
- 3) Please submit photographs verifying that a public notice, regarding the application for the VCP, was posted on the property as required by Section 7-506 (d) of the Environmental Article, Annotated Code of Maryland.

Phase I Site Assessment Report

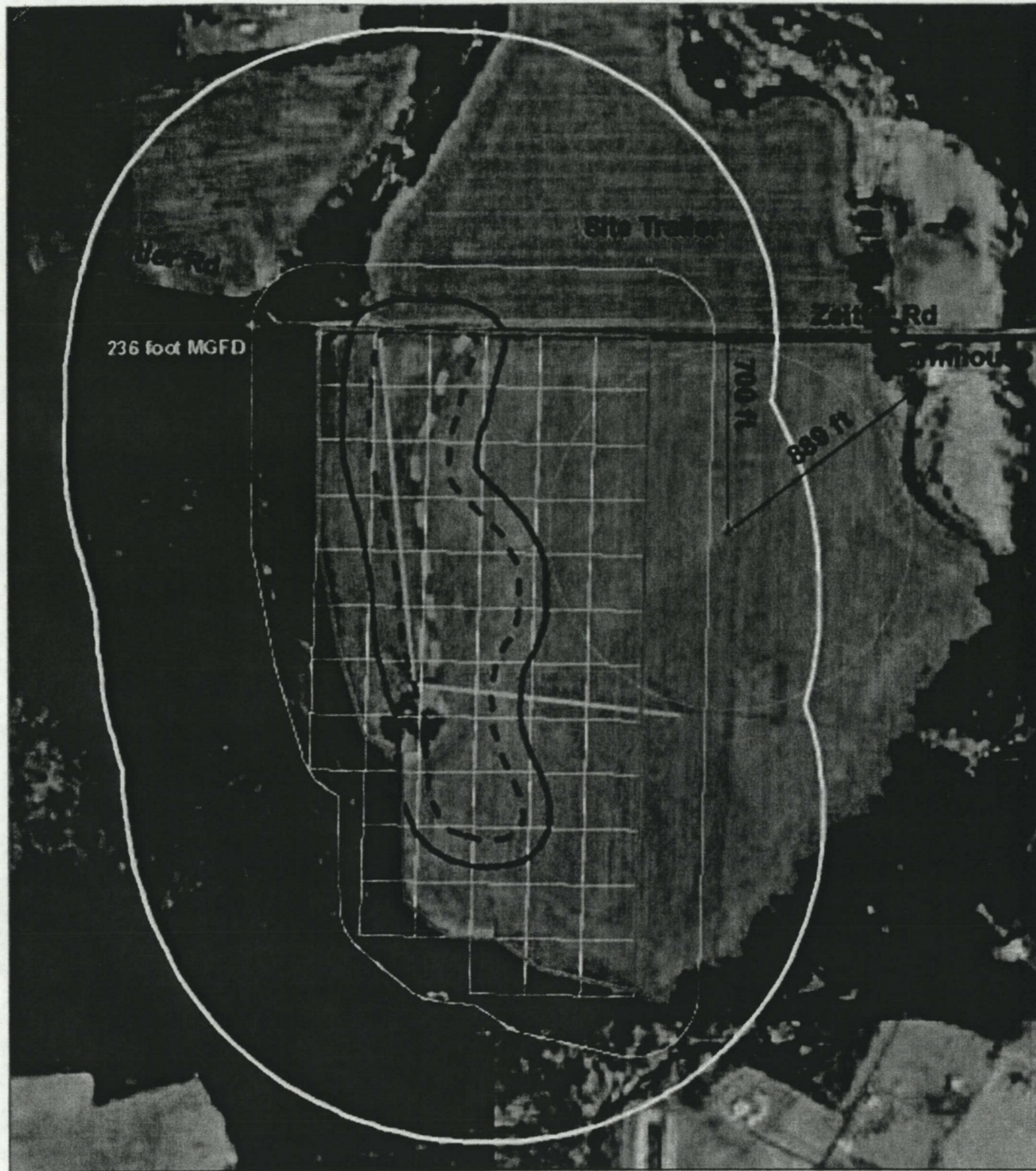
- 1) Section 3.2.5.1 MDE FUDS Site Inspection Report

The VCP concludes that an ASTM Phase II environmental site assessment (Phase II ESA) is necessary because of the recognized environmental conditions identified in the Phase I ESA. Please submit a work plan for the Phase II ESA for review and approval by the VCP. The work plan should be submitted prior to implementation and completion of the Phase II ESA. The work plan should include a complete delineation of Munitions and Explosives of Concerns (MEC), Materials Potentially Possessing an Explosive Hazard (MPPEH), and Munitions Debris (MD) within 1095 feet of the burn pits located at Herron Area 3, see attached map. The 1095 feet distance was established based on the Munitions with the Greatest Fragmentation Distance (MGFD) for Mk2 40 mm High Explosive (HE) Projectile described in InfoPro Corporation's report titled Final Work Plan for Investigation and Removal of MEC and Explosives Contaminated Soil Elkton Farms Firehole (Triumph Explosives) Elkton, Maryland. This report is available at

<http://www.epaosc.net/sites/1299/files/elkton%20farms%20work%20plan%20%28final%29%203%20feb%2006.doc>). The MEC survey must mimic the

geophysical survey, supervised by the U.S. Environmental Protection Agency (EPA), presented in the Draft Geophysical Surveys to Investigate Surface and Subsurface Conditions at the Elkton Farm Firehole Site report completed by Tetra Tech EM Inc. and dated June 28, 2005.

- 2) If the delineation of chemicals of concern at Herron Area 3 indicates that the contamination extends to Herron Area 1, a complete delineation of identified chemicals of concern must be completed. The chemicals of concern at Herron Area 3 are: nitroaromatic compounds, including trinitrotoluene (TNT) and associated daughter compounds, perchlorate, arsenic, chromium, mercury, lead, polychlorinated biphenyls (PCBs), and trichloroethene.
- 3) Please note that the MDE's documents completed for Herron Area 3 property and cited in the Phase I ESA are not considered a complete Phase II ESA for this property.
- 4) The VCP will work with EPA to establish clean-up levels for MEC, MPPEH, and MD. The Phase II ESA work plan and Phase II ESA will be sent to EPA for approval.



Legend

- | | |
|--------------------------|-------------------------------------|
| Site Trailer | 100-foot High Intensity Area Buffer |
| Magazine Location | 200' X 200' foot Grid |
| High Intensity Area | Powerline |
| 655 foot Magazine Buffer | Gravel Road |
| 236 foot MGFD Buffer | Zetter Road |
| Dump Area (5.5 acres) | |
| 1095 foot MGFD Buffer | |

1

0 290 580 870 Feet

Elkton Farms Firehole Project Elkton, Maryland

1095 Foot MGFD

Map Prepared for: InfoPro Corporation

Map Created: January 30, 2006